

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to assessment levels for nursing facilities**

The Human Services Department hereby amends Chapter 36, “Facility Assessments,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 249A.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 249A.4 and 2015 Iowa Acts, chapter 137 (Senate File 505).

*Purpose and Summary*

This rule making amends the assessment level for nursing facilities effective July 1, 2015. The assessment level was changed at the rebase of nursing facility costs on July 1, 2015. Providers were notified of the assessment level with Information Letter 1610 dated February 3, 2016. Providers have been remitting the amounts. This rule making ensures that the rules reflect current practice.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 9, 2018, as **ARC 3785C**. The Department received no comments during the public comment period. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on June 13, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on September 1, 2018.

The following rule-making action is adopted:

Amend subrule 36.6(2) as follows:

**36.6(2) *Assessment level.*** Effective July 1, 2012, the assessment level for each nursing facility shall be determined on an annual basis and shall be effective for the state fiscal year.

*a.* Effective July 1, ~~2014~~ 2015, nursing facilities with 46 or fewer licensed beds are required to pay a quality assurance assessment of ~~\$4~~ \$1.36 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2012, the number of licensed beds on file with the department of inspections and appeals as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year.

*b.* ~~Nursing~~ Effective July 1, 2015, nursing facilities designated as continuing care retirement centers (CCRCs) by the insurance division of the Iowa department of commerce are required to pay a quality assurance assessment of ~~\$4~~ \$1.36 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2012, continuing care retirement center designations as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year.

*c.* ~~Nursing~~ Effective July 1, 2015, nursing facilities with annual Iowa Medicaid patient days of 26,500 or more are required to pay a quality assurance assessment of ~~\$4~~ \$1.36 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2012, the annual number of Iowa Medicaid patient days reported in the most current cost report submitted to the Iowa Medicaid enterprise as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year.

*d.* ~~All~~ Effective July 1, 2015, all other nursing facilities are required to pay a quality assurance assessment of ~~\$5.26~~ \$7.13 per non-Medicare patient day.

[Filed 6/13/18, effective 9/1/18]

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